

# EXHIBIT MMM

From: **Agawu, Kofi** <[kagawu@gc.cuny.edu](mailto:kagawu@gc.cuny.edu)>  
Date: Wed, Mar 9, 2022 at 9:21AM  
Subject: Re: [EXTERNAL] Apology  
To: Timothy Jackson <[shermanzelechin@gmail.com](mailto:shermanzelechin@gmail.com)>

Dear Tim,

Many thanks for your message and for the links to various articles. When I first read the JSS issue, I found myself nodding in agreement with many of the points you made in your response to Ewell. So I was truly astonished to see the subsequent attacks on you. I can only imagine what a nightmarish situation you've had to endure this past year and a half. I'm encouraged by the recent legal ruling, however, and I hope very much that justice will be served.

As for TSMT, there's no need at all to apologize for missing my simple talk on African art music. I chose this topic because composers of "art music" in Africa are not often talked about; interest seems to reside in old, traditional music or popular music. So I had the audience listen to several samples of this music to acquaint them with their sound worlds. Interesting how the Q&A session afterwards kept circling back to current obsessions in our field.

Yes, I remember Randall Horton's application to the musicology program at Princeton, although I can't say that I remember all his referees! I enjoyed his linking of the hymn "Abide with me" to the main Adagio theme of the finale to Mahler's Ninth. I believe he got into Stonybrook in the end.

Thanks again for being in touch, and all best,

Kofi

**From:** Timothy Jackson <[shermanzelechin@gmail.com](mailto:shermanzelechin@gmail.com)>

**Sent:** Saturday, March 5, 2022 7:59 PM

**To:** Agawu, Kofi

**Subject:** [EXTERNAL] Apology

Dear Kofi,

I would like to apologize for not attending your talk yesterday; Stephen Slottow has kindly forwarded me a copy of it. I would have liked to attend and also to say hello, but I felt uncomfortable doing so at this point.

As you probably know, I was "cancelled" by the majority of my "colleagues" a year and a half ago. I have sued those responsible at UNT and the case is proceeding.

About a month ago, the Federal Judge ruled on the all-important "motion to dismiss" in my favor on all absolutely crucial points: 1) my academic freedom was violated, 2) I was defamed, and 3) that those responsible in the university administration and faculty can be held liable. Therefore, the case can go forward to trial.

My article "The Schenker Controversy" in *Quillette Magazine* contains links to the earlier actual court-case documents: <https://quillette.com/2021/12/20/the-schenker-controversy/> Anyone who is interested can read this article and the documents cited in the links to get a detailed picture of exactly what happened. See also: <https://www.foxnews.com/politics/texas-professor-sues-univ-after-being-punished-saying-music-theory-isnt-racist>

Also: <https://www.nas.org/blogs/article/an-initial-victory-for-unt-professor-timothy-jackson>

<https://legalinsurrection.com/2022/01/cancel-culture-win-u-north-texas-prof-timothy-jacksons-free-speech-and-defamation-case-can-move-forward-court-rules/>

UNT, represented by the Texas Attorney General's Office, then appealed this decision to the Court of Appeals. However, it is unusual for a decision to be successfully appealed prior to a verdict being handed down in Federal Court. My lawyers have filed a counter-motion before both the Federal Judge (who issued the ruling) and also the Court of Appeals asking that the preparations for the trial be allowed to go forward and rejecting the legal objection now before the Court of Appeals.

My lawyers are encouraged. They consider UNT's appeal to be unlikely to succeed given the Federal Judge's extremely detailed ruling. However, in the event of a loss in the Court of Appeals, they are prepared to take this matter to the US Supreme Court. However, if the Appeals Court does in fact deny UNT's appeal of the Judge's ruling, they say that we will then be in an even stronger position when continuing to prosecute our case before the Federal Court.

Based in part on my own article in *Quillette*, other scholars are now starting to speak out about Prof. Philip Ewell's false and misleading claims regarding Schenker. In my article, I showed how Ewell in his *MTO* article censored the Austrian scholar Martin Eybl to make him say the opposite to what he actually wrote and meant (see attachment). Ewell claims that Schenker was a Jewish Nazi-like racist and a supporter of Hitler and the Nazis.

Ewell's article in *MTO*, which is advertised as "peer reviewed research" actually contains academic fraud.

After pointing out Ewell's "distortion" of the work of Austrian scholar Martin discussed in my above-mentioned article, I received a response from Eybl himself: "**As I have clearly stated in my book, Schenker was not a racist in the sense of the National Socialists. I am grateful that you [Jackson] have corrected the point vis-à-vis Ewell, who distorts [my emphasis] the meaning by omitting parts of the text when he is quoting me**" (letter from Eybl to Jackson, January 23, 2022). This statement is from the author whose words were turned upside down by Ewell.

As I documented in my *Quillette* article, **Schenker expressly condemned the Nazis two and a half months after Hitler seized power in 1933**. Schenker never supported any proto-Nazi movement! On the contrary, he condemned the Nazis and their "New Germany."

And yet 900+ professors in the Society for Music Theory (SMT) endorsed Ewell's plenary speech and *MTO* article, both of which violated the Society for Music Theory own "Policy on Ethics."

This year I submitted the following proposal to the National American Musicological Society Conference for their consideration. While the musicologists are also permeated with the same so-called "progressive" ideology, I am hoping that some members still might be open to dialectical viewpoints - to real "viewpoint diversity" - and "scholarly inquiry which respects evidence, precision, and **complexity**."

### **The Schenker Controversy Reconsidered**

Hunter College (CUNY) Professor Philip Ewell, who self-identifies as black, shocked the music theory world at the SMT Conference in 2019 when he condemned Heinrich Schenker (1868-1935) as a "virulent racist" and accused generations of Schenker scholars of attempting to "whitewash" the German-Jewish theorist. In March 2020, Ewell's claims were rebutted by scholars in a *Symposium* in the *Journal of Schenkerian Studies*. There, Barry Wiener argued that, "in his discussion of art, Schenker enunciated a doctrine, common to his time and place, of German *cultural*, not biological racism." While Schenker harshly castigated those nations allied against Germany and Austria in World War I, and attacked Slavic nations for their pogroms, in the last phase of his life, with Nazism ascendant, Schenker changed his mind, believing it his mission to save German music for everyone, even from the Germans themselves(!) – without distinction of race, religion, or national origin.

In Ewell's *MTO* article "Music Theory and the White Racial Frame" (published later in 2020), as Timothy Jackson revealed in an article appearing in December 2021 ("The Schenker Controversy," *Quillette Magazine*), Ewell had censored his quotation of Austrian scholar Martin Eybl by removing key sentences undercutting his thesis: "Again, Schenker does not argue on the basis of race, but of German national [culture]." Eybl responded by objecting on January 23, 2022, "As I have clearly stated in my book, Schenker was not a racist in the sense of the National Socialists. Ewell distorts the meaning by omitting parts of the text when he is quoting me."

The "SMT Policy on Ethics" states, "The SMT upholds and promotes the following basic principles of ethical conduct in our profession...honesty and integrity in scholarly investigation." The SMT adopted these guidelines from the AMS "Guidelines for Ethical Conduct:" "Relevant supporting evidence

should be presented **in a well-reasoned manner, free of misrepresentation and distortion; evidence that contravenes one's operating hypothesis should not be suppressed.**" This paper explores the larger implications of "The Schenker Controversy;" while learned societies like the AMS and SMT and universities are supposed to pursue the search for truth, has its tendentious distortion become the new norm?

It will be interesting to see whether or not this proposal is accepted. It is a kind of litmus test.....

Anyway, again, I hope that you will understand the reason for my absence, which should in no way imply disrespect for you.

In spite of the publicized claim that I am "a long-term racist," although you may not remember, some years ago I tried to help a former Black student get into Princeton. He was an older student who published an interesting article on Mahler's Ninth Symphony, the chorale-like theme in the Adagio of the Ninth.

With all best wishes,

Tim